

JOSEPH P. RUSSONIELLO, CSBN 44332

United States Attorney

JOANN M. SWANSON, CSBN 88143

Chief, Civil Division

EDWARD A. OLSEN, CSBN 214150

Assistant United States Attorney

450 Golden Gate Avenue, Box 36055

San Francisco, California 94102

Telephone: (415) 436-6915

FAX: (415) 436-6927

Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MU LI WU,
YIN YIN LI,

Plaintiffs,

v.

MICHAEL CHERTOFF, Secretary, Department
of Homeland Security; Department of Homeland
Security; JONATHAN SCHARFEN, Acting
Director, USCIS; U.S. Citizenship and
Immigration Services; GERARD HEINAUER,
Director, USCIS Nebraska Service Center;)
LYNNE SKEIRIK, Director, U.S. Department
of State, National Visa Center,)

Defendants.

No. C 08-3541 SBA

**STIPULATION TO EXTEND HEARING
DATE; AND ORDER**

Date: January 27, 2009
Time: 1:00 p.m.

The plaintiffs, by and through their attorneys of record, and defendants, by and through their attorneys of record, hereby stipulate, subject to approval of the Court, to extend the date of the hearing in this matter in light of the reasonable possibility that this case may become moot in the next four months.

1. Mu Li Wu ("Wu") is a native and citizen of China who, after receiving a grant of asylum in the United States, filed an I-730 petition with the United States Citizenship and Immigration Services ("USCIS") on behalf of her daughter.

1 2. The I-730 petition has been approved by USCIS and Wu's daughter is waiting to be
2 interviewed by the USCIS Field Office in Guangzhou, China, for the purpose of issuing a travel
3 document.

4 3. The plaintiffs filed this action under the mandamus statute and the Administrative Procedure
5 Act on July 23, 2008, asking the Court to direct USCIS to promptly issue a travel document.

6 4. The hearing on the parties' cross-motions for summary judgment is currently scheduled for
7 January 27, 2009, at 1:00 p.m.

8 5. The beneficiary of the approved I-730 has recently been sent an interview notice by the
9 USCIS Field Office in Guangzhou, China.

10 6. In light of this development, the parties believe there is a reasonable possibility that this case
11 may be moot in the next four months.

12 7. Accordingly, the parties respectfully ask this Court to vacate the hearing on the parties'
13 cross-motions for summary judgment, currently scheduled for January 27, 2009, at 1:00 p.m., and
14 to re-schedule the hearing for May 26, 2009, at 1:00 p.m., or a date soon thereafter that is
15 convenient for the Court.

16 8. If the case becomes moot in the interim, the parties will file a stipulation to dismiss. If the
17 case does not become moot in the interim, the defendants will file their reply (currently due on
18 January 13, 2009) at least two weeks in advance of the re-scheduled hearing.

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 Dated: January 6, 2009

Respectfully submitted,

STIPULATION TO EXTEND DATE OF HEARING; AND [PROPOSED] ORDER
C 08-3541 SBA

JOSEPH P. RUSSONIELLO
United States Attorney

/s/
EDWARD A. OLSEN
Assistant United States Attorney
Attorneys for Defendants

Dated: January 6, 2009

/s/
ROBERT B. JOBE
LAW OFFICE OF ROBERT B. JOBE
Attorneys for Plaintiffs

ORDER

Pursuant to stipulation, the January 27, 2009 hearing on the parties' cross-motions for summary judgment is vacated and re-scheduled for June 2, 3009, at 1:00 p.m. If the case becomes moot, the parties shall file a stipulation to dismiss. If the case does not become moot, the defendants' reply shall be due at least two weeks in advance of the June 2, 2009 hearing.

Dated: January 12, 2009


SAUNDRA B. ARMSTRONG
UNITED STATES DISTRICT JUDGE